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NOMADIX, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

NOMADIX, INC.,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY et
al.,

Defendants.

AND RELATED COUNTERCLAIMS

Civil Action No.

CV09-08441 DDP (VBKx)

**JOINT CLAIM
CONSTRUCTION
STATEMENT**

Honorable Dean D. Pregerson

1 In compliance with the Court's May 19, 2010 Scheduling Order (Docket
2 No. 140) and the parties' joint Rule 26(f) report (Docket No. 130), the parties
3 hereby submit their joint claim construction statement ("JCCS"). The
4 Scheduling Order and Rule 26(f) report together specify that a modified version
5 of Northern District of California Patent Local Rule 4-3 governs the content of
6 the JCCS.

7 Plaintiff Nomadix, Inc. has asserted the following patents: U.S. Patent
8 Nos. 6,130,892 ("the '892 patent"), 7,088,727 ("the '727 patent"), 7,554,995
9 ("the '995 patent"), 6,636,894 ("the '894 patent"), 7,194,554 ("the '554
10 patent"), 6,868,399 ("the '399 patent"), 6,789,110 ("the '110 patent") and
11 7,689,716 ("the '716 patent"). Defendant iBAHN Corporation has asserted the
12 following patents: U.S. Patent Nos. 6,934,754 ("the '754 patent"), 6,996,073
13 ("the '073 patent") and 7,580,376 ("the '376 patent").

14 **A. Overview Of The JCCS (Patent L.R. 4-3(a)-(b))**¹

15 The JCCS is structured as follows:

- 16
- 17 • Part A: Patents Asserted By Nomadix
 - 18 ○ Exhibit 1: The '892 Patent
 - 19 ○ Exhibit 2: The '727 Patent
 - 20 ○ Exhibit 3: The '995 Patent
 - 21 ○ Exhibit 4: The '894 Patent
 - 22 ○ Exhibit 5: The '554 Patent
 - 23 ○ Exhibit 6: The '399 Patent
 - 24 ○ Exhibit 7: The '110 Patent
 - 25 ○ Exhibit 8: The '716 Patent
 - 26 • Part B: Patents Asserted By iBAHN

27 ¹ For each Defendant, its proposed constructions are for the terms in claims asserted
28 against that Defendant. Each Defendant reserves the right to propose different constructions
than those contained here should Nomadix assert additional claims against that Defendant.

- Exhibit 9: The '754 Patent
- Exhibit 10: The '073 Patent
- Exhibit 11: The '376 Patent

Each exhibit has the following structure:

- Terms whose constructions the parties agree on (N.D. Cal. Patent L.R. 4-3(a))
- Terms whose constructions the parties dispute (N.D. Cal. Patent L.R. 4-3(b))
- Identification of evidence supporting proposed constructions of disputed terms (N.D. Cal. Patent L.R. 4-3(b))

B. Identification Of Significant Terms (Patent Local Rule 4-3(c))

Northern District of California Patent Local Rule 4-3(c) requires “an identification of the terms whose construction will be most significant to the resolution of the case up to a maximum of 10.” However, the parties’ Rule 26(f) report modified Patent L.R. 4-3(c) to require the “identification of up to a maximum of 10 terms *per asserted patent* whose construction will be most significant to the resolution of the case.”

The parties agree that construction of the following terms will be significant to resolution of the case:

Patents Asserted By Nomadix

'892 patent:

- (1) “home network”
- (2) “foreign network”
- (3) “intercepting packets” / “intercepting packets transmitted from the user device which would otherwise be dropped by devices on the foreign network”

'727 patent: the parties do not agree on which terms’ construction will be most significant.

1 '995 patent

2 (1) "a foreign gateway"

3 '894 patent: the parties do not agree on which terms' construction will be most
4 significant.

5 '554 patent: the parties do not agree on which terms' construction will be most
6 significant.

7 '399 patent:

8 (1) "absent additional agents implemented by the computer" / "absent
9 additional agents implemented by a user's computer"

10 (2) "call accounting record format"

11 (3) "a call accounting record"

12 '110 patent: the parties do not agree on which terms' construction will be most
13 significant.

14 '716 patent: the parties do not agree on which terms' construction will be most
15 significant.

16

17 Patents Asserted By iBAHN

18 '754 patent:

19 (1) "network access node"

20 (2) "associating a first one of the globally unique IP addresses with the
21 first network address for conducting an Internet transaction"

22 (3) "an Internet transaction"

23 '073 patent:

24 (1) "network access node"

25 (2) "restricting access to the conference services to the selected users"

26 '376 patent:

27 (1) "network access node"

28 (2) "restricting access to the content to the selected users" / "restrict

1 access to the content to the selected users”

2 Nomadix additionally believes that construction of the following terms
3 will be significant to resolution of the case:

4 Patents Asserted By Nomadix

5 ’727 patent:

6 (1) “intercepting data”

7 (2) “intercepting an Address Resolution Protocol (ARP) message”

8 (3) “intercepting user device messages”

9 ’894 patent:

10 (1) “browser redirect message”

11 (2) “intercepting, at the gateway device, the browser redirect message”

12 / “intercepts the browser redirect message”

13 ’554 patent:

14 (1) “packet translation learned during a self configuration”

15 ’399 patent:

16 (1) “agent”

17 ’716 patent:

18 (1) “network-location-specific information”

19

20 Patents Asserted By iBAHN

21 ’754 patent:

22 (1) “associated therewith”

23 ’073 patent:

24 (1) “associated therewith”

25 ’376 patent:

26 (1) “associated therewith”

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28 ///

1 The defendants additionally believe that construction of the following
2 disputed terms will be significant to resolution of the case:

3 Patents Asserted By Nomadix

4 '727 patent:

- 5 (1) Utilizing private IP addresses for a user device having an
6 incompatible private IP address
- 7 (2) user device having an incompatible private IP address
- 8 (3) Connecting a translator to the network to perform the steps of
9 intercepting the data transmitted
- 10 (4) First network
- 11 (5) Incorrectly configured messages

12 '995 patent:

- 13 (1) user host device is configured to communicate through a home
14 gateway by using an IP address of the home gateway
- 15 (2) home gateway

16 '894 patent:

- 17 (1) modified browser redirect message
- 18 (2) user profile database
- 19 (3) administrator
- 20 (4) The method of claim 2, wherein the step of directing the computer
21 to the stored original destination address occurs after a
22 predetermined length of time.

23 '554 patent:

- 24 (1) determines the access rights of the source, wherein access rights
25 define the rights of the source to access destination sites via the
26 network / determining the access rights of the source based upon
27 the identification of the source, wherein the access rights define the
28 rights of the source to access destination sites via the network

- 1 (2) access information
- 2 (3) a source profile database in communication with the gateway
- 3 device and located external to the gateway device / a source profile
- 4 located external to the gateway device
- 5 (4) directing the source to a redirection site when the source profile is
- 6 not located within the source profile database
- 7 (5) updating the source profile database when a new source accesses
- 8 the network

9 '399 patent:

- 10 (1) a management system connected to said network gateway device
- 11 (2) data representative of the user's access to the computer network
- 12 (3) physical location
- 13 (4) collecting data corresponding to the user's access to said computer
- 14 network, including a physical location of the user and the user's
- 15 network usage, in said network gateway device
- 16 (5) usage of the computer network / user's network usage
- 17 (6) predetermined protocol
- 18 (7) predetermined data formats

19 '110 patent:

- 20 (1) repeatedly
- 21 (2) periodically

22 '716 patent:

- 23 (1) external network location
- 24 (2) network location of the user host device
- 25 (3) network-packet-translation module

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iBAHN additionally believes that construction of the following disputed terms will be significant to resolution of the case:

Patents Asserted By iBAHN

'754 patent

(1) provide[-ing]

'073 patent

(1) provide[-ing]

(2) conference

'376 patent

(1) provide[-ing]

(2) conference

C. Claim Construction Hearing (Patent L.R. 4-3(d)–(e))

Nomadix anticipates that the parties will need approximately 1–2 hours for the claim construction hearing.

The defendants anticipate that the parties will need approximately 6 hours for the claim construction hearing.

The parties do not propose to call any witnesses at the claim construction hearing.

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D. Preamble Terms

Notwithstanding their respective proposed constructions, the parties reserve all rights to argue that any preamble terms are not limiting.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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